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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC TASK FORCE RECOMMENDS ACTIONS TO SPEED THE ROLLOUT OF WIRELESS BROADBAND SERVICES TO CONSUMERS ACROSS AMERICA

Washington, D.C. – The FCC’s Wireless Broadband Access Task Force (Task Force) today recommended various Commission actions to help speed the deployment of wireless broadband services to consumers across America. The Task Force recommendations are based upon its inquiry into the state of wireless broadband in the United States as well as the FCC’s policies impacting these services.

Chairman Powell created the Task Force in May of 2004. Comprised of a team of multidisciplinary staff from across several FCC Bureaus and Offices, the Task Force examined technological developments in wireless broadband, surveyed existing and anticipated applications, and conducted a comprehensive review of the Commission’s wireless broadband policies. In fulfilling its mission, the Task Force actively sought the experience, expertise, and advice of consumers, state and local governments, industry (such as equipment manufacturers and service providers), and other stakeholders across the nation.

Based upon its research, outreach efforts, and public input, the Task Force has concluded: “To ensure that our nation’s regulatory policies concerning wireless broadband do not impede innovation or delay service availability across America, the FCC should be vigilant and proactive in identifying and understanding emerging technologies and in ensuring that existing regulatory policies do not get in the way of these advances. Innovative technologies call for innovative regulatory policies. And the American public benefits most when regulatory policies enable consumers and businesses to fully tap the benefits of emerging wireless technologies.”

Task Force Key Findings & Recommendations:

Building upon the FCC’s actions to date, the Task Force recommended various steps the Commission could take – relating to delivery of services through both unlicensed and licensed operations – to spur wireless broadband deployment across the United States.

- ▶ Promote voluntary frequency coordination efforts by private industry for license-exempt spectrum – such as those already successfully underway in some of the more congested parts of the country – to mitigate potential interference among users.

- ▶ Promote voluntary industry “best practices” among unlicensed users to maximize the potential opportunities for spectrum use.
- ▶ Facilitate reporting of violations of technical rules for license-exempt spectrum (*e.g.*, improper power boosting and jamming) to ensure level playing field and minimize impermissible interference
- ▶ Expedite the transition of the digital television (DTV) spectrum for advanced wireless services and public safety, given that the spectrum in the 700 MHz band is ideal for mobile broadband applications. In the meantime, the Task Force also recommends that the Commission consider additional mechanisms for allowing 700 MHz channels to be used for wireless broadband services before the completion of the DTV transition.
- ▶ Ensure that FCC rules are flexible enough to allow providers to pair spectrum asymmetrically to account for the unbalanced nature of broadband services, which typically requires a large amount of bandwidth for downstream communications, and less bandwidth for upload links. For mobile services, the Commission has traditionally paired two licenses of equal size, one for upstream and one for downstream communications.
- ▶ Apply a pro-competitive, innovative national framework for wireless broadband services – one that imposes the fewest regulatory barriers at both the federal and state level – to wireless broadband services. Such an approach would enable the greatest innovations, in terms of technologies and types of services, and would maximize consumer benefits. The Task Force recommended that the Commission consider several options for achieving this goal, including classifying wireless broadband either as an “information service” or an “interstate” service, or clarifying the scope of the deregulatory principles applied to Commercial Mobile Radio Services (CMRS) – which enabled the rapid success of mobile voice and data services over the last decade.
- ▶ Continue to take a pro-active, forward looking approach to regulation as wireless broadband networks begin to be used in combination with other broadband service networks and services (*e.g.*, regularly evaluate whether it is time to remove outdated rules, and accord an increasingly flexible regulatory environment for service providers to facilitate convergence).
- ▶ Build upon and improve specific existing FCC outreach efforts (*e.g.*, relationships with federal agencies and state & local governmental organizations).

For More information on the FCC’s Wireless Broadband Access Task Force visit the FCC’s website at: <http://www.fcc.gov/wbatf/>

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